

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CRANSTON L. ERBY,)	
)	Civil Action No. 05 - 473
Plaintiff,)	
)	Judge Terrence McVerry
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
ED RENDELL, Gov. of Pa., et al)	
)	
Defendants.)	

ORDER

The above captioned case was received by the Clerk of Court on April 11, 2005, and was referred to United States Magistrate Judge Lisa Pupo for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation (Doc. No. 7), filed on August 23, 2005, recommended that the case be dismissed in accordance with the Prison Litigation Reform Act, 28 U.S.C. §§ 1915A and 19159(e)(2)(B)(ii). The report and recommendation was served on the Plaintiff at S.C.I. Greensburg, R.D. 10, Box 10, Greensburg, PA 15601. Plaintiff was advised he was allowed ten (10) days from the date of service to file written objections to the report and recommendation. Plaintiff filed Objection to the Report and Recommendation (Doc. No. 8) on September 14, 2005. The objections have been reviewed and are found to be without merit. After review of the pleadings and documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

AND NOW, this 12th day of April, 2006;

IT IS HEREBY ORDERED that this case is **DISMISSED** in accordance with

the Prison Litigation Reform Act, 28 U.S.C. §§ 1915A and 19159(e)(2)(B)(ii). .

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 7) of Magistrate Judge Lenihan, dated August 23, 2005, is adopted as the opinion of the court.

Dated: April 12, 2006

By the Court:

s/ Terrence F. McVerry
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Cranston Erby
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